

2. Defendant accepted service on June 30, 2009. This notice is being filed within thirty (30) days of receipt of the Complaint and acceptance of service, and therefore is timely pursuant to 28 U.S.C. §1446(b).
3. Plaintiffs allege that they are entitled to relief under the Fair Labor Standards Act, 29 U.S.C. §§ 201 et. seq. Said claims arise under the laws of the United States.
4. 29 U.S.C. § 216 (b) provides in part, "An action to recover liability may be maintained against any employer...in any Federal or State court of competent jurisdiction..." In addition, this Court has supplemental jurisdiction over any state law claims pursuant to 28 U.S.C. § 1367, and therefore, the entire case may be removed pursuant to 28 U.S.C. § 1441(c).
5. Original jurisdiction is vested in this court pursuant to 28 U.S.C. §§1331 and 1367, and this case is removable by this Defendant pursuant to 28 U.S.C. §§ 1441 and 1446.
6. The state court in which this action was commenced is within this Court's district and division.
7. Concurrent with the filing of this Notice, Defendant will file a Notice of Filing of Removal to the United States District Court for District of South Carolina, Greenville Division, with the Clerk of Court of Common Pleas for the Thirteenth Judicial Circuit, State of South Carolina, pursuant to 28 U.S.C. § 1446(d), Attached hereto as Exhibit "E."

WHEREFORE, subject to and without waiver of any available defenses, Defendant prays that this action be removed from the Court of Common Pleas for the Thirteenth Judicial Circuit, State of South Carolina to the United States District Court for District of

South Carolina, Greenville Division, as provided by law.

Respectfully submitted this 19th day of July, 2009.

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Local Rule 83.I.04 Counsel For Defendant

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Local Rule 83.I.05 Application Pending**